

**BATTLE CREEK CITY PLANNING COMMISSION
MEETING MINUTES
Wednesday, December 17, 2014**

1. Call to Order:

Chairperson Daniel Buscher called the meeting to order at 4:00 p.m. and welcomed a new Planning Commission member, Vice-Mayor Lynn Ward-Gray.

2. Attendance:

Members Present:

Steve Barker	John Godfrey	John Stetler
William Burton	Alyssa Jones	Lynn Ward-Gray (Vice-Mayor)
Dan Buscher	Dean Newsome	

Members Excused: Scott Parker

Staff Present: Christine Hilton, Planning Supervisor
Marcel Stoetzel, Assistant City Attorney
Glenn Perian, Senior Planner
Leona Parrish, Administrative Assistant, Planning Dept.

3. Additions or Deletions to the Agenda: None

4. Approval of Minutes: Meeting Minutes of May 28, 2014; Workshop Minutes of July 23, 2014 and Workshop Minutes of October 22, 2014.

Christine Zuzga stated the Workshop Minutes for October 22, 2014 has two corrections to be noted: Page 1, last paragraph and Page 2, first paragraph; both should read Commissioner Newsome and not Commissioner Burton.

MOTION WAS MADE BY COMMISSIONER GODFREY, SUPPORTED BY COMMISSIONER BARKER, TO APPROVE THE PLANNING COMMISSION REGULAR MEETING MINUTES FOR MAY 28, 2014; WORKSHOP MINUTES FOR JULY 23, 2014 AND WORKSHOP MINUTES FOR OCTOBER 22, 2014 WITH CORRECTIONS NOTED.

VOTE ON MOTION: ALL IN FAVOR; NONE OPPOSED; MOTION CARRIED.

5. Correspondence: Email letter from Neighborhood Planning Council #5 (Urbandale) stating their support for the Childcare Special Use Permit request on today's agenda for 387 Waubascacon Rd.

6. Public Hearings and Deliberation/Recommendations:

- A. Special Use Permit #S-04-14: Petition from Ms. Taylor Seage Hudson, 387 Waubascacon Rd., Battle Creek, MI 49017. Requesting a Special Use permit to allow a Childcare Facility for 7-12 children as permitted under Planning and Zoning Code, Chapter 1290, Section 1290.01(b)(6), for property located at 387 Waubascacon Road.

Mr. Glenn Perian stated the applicant is seeking a special use permit to operate a group childcare business out of their home located at 387 Waubasca Rd, R1-B zoned and just under 2 acres. The proposed capacity of the daycare is up to 12 unrelated children, consistent with State law for these types of facilities. The plan is to provide childcare between 6:00 A.M. and 6:00 P.M. each day, Monday through Friday and a schedule of daily activities and routines have been provided as part of the application packet.

The petitioner lives at the home, which is a State requirement for this type of daycare, and the home is owned by the petitioner's mother. Besides the applicant, one additional employee is expected to be on site, depending on the number of children present at any one time. Mr. Perian referred to the staff report conditions on page 5 of 6 and that the request meets the general standards listed in Chapter 1290.04 and that staff recommends that the Planning Commission recommend to the City Commission approval to allow a Group Daycare with the conditions outlined.

Chairperson Commissioner Buscher asked if anyone wished to come forward to speak.

Mr. Robert Whitfield, Chairperson for Neighborhood Planning Council #5 came forward to speak. Stated he was here in support of Special Use Permit for the Childcare and noted the applicant had attended their NPC meeting on December 8th, to share their request for a childcare facility and noted their council had welcomed them to their community and was in support and approval of their request.

Ms. Julie Hudson-Eakins and Taylor Hudson, 387 Waubasca Road, Battle Creek, MI stated they are here today to speak regarding their Special Use Permit request for a Childcare Facility and noted they have everything ready for their packet for the State of Michigan except the zoning support by the City. Stated their neighbor stated they were in support and planned to submit something in writing regarding the proximity of the playground and their property.

Commissioner Buscher asked the applicant if they had reviewed the staff report; if not to please take a moment to review.

Discussion:

Commissioner Godfrey asked if there was any other childcare facility near their property. Ms. Hudson stated there was one around the corner approximately ½ of a mile away.

Commissioner Godfrey asked the petitioner if their property was fenced with a gate and if there was a separate fencing to be around the playground area. Ms. Hudson stated yes the property is entirely fenced with chain-link and also field fencing, along with a driveway gate that would be closed when children are outside. Stated they had not planned on fencing a separate area around the playground and have not received the playground equipment as yet.

Commissioner Godfrey asked if the children would be allowed to use the entire property. Ms. Hudson stated the rear of the property is fenced also, but the children would not be allowed to go in the back. Commissioner Godfrey was concerned if the playground was not fenced that dogs etc. could get to the children. Ms. Hudson stated they do have the back half of the property that is fenced completely off and they would close the gate when the children are outside; said she had ran a childcare facility for

about 5 years and that is how it was done, but if the council wishes they fence a separate play area they would.

Chairperson Buscher asked Mr. Perian if there were any concerns regarding fencing and animals. Mr. Perian stated no, if the State requires additional fencing they would address it with the applicant. Ms. Hudson stated it does not note in the State requirements that the play area be fenced separately.

Vice-Mayor Ward-Gray stated the traffic in that area in the winter can be busy and they may want to consider action for signage for "Children at Play Area". Ms. Hudson stated they will put a sign up if needed; noted their neighbor was a truck driver and he does block the roadway and is afraid the parents cannot see around the semi-truck for traffic and is fearful it might cause accidents.

Commissioner Newsome asked if the State requires an adult be with the children at all times. Ms. Hudson stated yes it is required and there will always be an adult with the children. Commissioner Newsome stated that the concern for fencing is then mitigated because of the State required guidelines.

Commissioner Burton asked if it was a requirement to have signage on the street for childcare. Ms. Zuzga stated commercial business signs are not allowed in a residential zone, but a safety sign could be approved by the Department of Public Works and would not impact the signage requirements.

Commissioner Burton stated he did not wish to add additional difficulty to the petitioner, but can see why they may be concerned and ask they let persons know to be careful and on their property the owner can put a "children at play" sign near the fence. Ms. Hudson stated she would be willing to do so as it would not be that costly.

Commissioner Buscher asked staff if approved how could they adjust the Special Use Permit application. Ms. Zuzga said they can have the applicant come back and reapply a Special Use Permit application.

Commissioner Stetler stated this is governed by the State of Michigan and not by the Planning Commission. Commissioner Buscher stated just in case they want to cover the applicant's rights.

Commissioner Burton asked the applicant if they had reviewed the staff report and requirements. Ms. Hudson asked a question regarding the bottom of the application where it states "expire time one-year". Ms. Zuzga stated that if it were a change in use and if it were changed back only for the Certificate of Occupancy. #1 was approval being required, #2 was basic language for what you are requesting if doing something different they would need to check and see if it needed approval by the city and #3 & #4 are law/conditions set and the other is standard language and if anything else extra is done they would need approval.

Ms. Hudson stated they did have some house renovations to be done prior to opening and would pull any permits required for the work; asked if they needed to note anything else for this Special Use Permit. Ms. Zuzga stated no.

With no others wishing to speak, Commissioner Buscher closed the public hearing.

MOTION BY COMMISSIONER NEWSOME TO APPROVE THE SPECIAL USE PERMIT #S-04-14 TO INCLUDE THE CONDITIONS ESTABLISHED BY THE PLANNING STAFF, SUPPORTED BY COMMISSIONER GODFREY.

VOTE ON MOTION: ALL IN FAVOR; NONE OPPOSED; MOTION CARRIED.

Ms. Zuzga stated this was a recommendation to the City Commission and that she would be submitting this Special Use Permit to the City Commission on January 6, 2015.

7. Old Business: None

8. New Business:

A. Year 2015 Meeting Dates for the Planning Commission

Ms. Zuzga noted the proposed meeting schedule for the year 2015 are proposed for the 4th Wednesday of every month as they are now, except for the months of November and December which are alternate dates because of a conflict with the holidays.

MOTION WAS MADE BY COMMISSIONER BARKER, SUPPORTED BY COMMISSIONER GODFREY, TO APPROVE THE YEAR 2015 PLANNING COMMISSION MONTHLY MEETING DATES AS PRESENTED.

VOTE ON MOTION: ALL IN FAVOR; NONE OPPOSED; MOTION CARRIED.

- 9. Comments by the Public:** Mr. Robert Whitfield, NPC #5 Chairperson thanked the Planning Commission for their support in approving the Special Use Permit for the Childcare Facility. Asked if the childcare facility is State approved to operate; and what role does the city have. Chairperson Commissioner Buscher stated each have their own requirements, as it is State regulated and City regulated with proper permits needing to be pulled; along with the State of Michigan, Department of Human Service's regulations needing to be complied. Mr. Whitfield stated thank you.

10. Comments by the Staff and Commission Members:

Ms. Christine Zuzga, Planning Supervisor stated they might need to look into the neighbor of the childcare facility to see if the semi-truck is parked in the right-of-way to ensure safety. Ms. Zuzga referenced the Planning Department project listing she provided to commissioners; stated she had received a few comments and if there are any other comments, to let her know.

- 11. Adjournment:** Commissioner Buscher adjourned today's meeting. All in favor meeting was adjourned at 4:29 P.M.

Respectfully Submitted:



Christine M. Hilton, AICP
Executive Secretary, Planning Commission